

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

UNITED STATES OF AMERICA	)	
	)	Criminal No.: 3:00-CR-400-P
v.	)	
	)	Judge Jorge A. Solis
MARTIN NEWS AGENCY, INC.; and	)	
BENNETT T. MARTIN,	)	
	)	FILED: November 6, 2001
Defendants.	)	

UNITED STATES' MOTION *IN LIMINE* TO  
EXCLUDE ARGUMENTS DESIGNED TO NULLIFY THE JURY

The United States respectfully moves this Court to preclude the defendants from offering evidence or making arguments designed to elicit jury nullification. The defendants may seek to elicit an argument for jury nullification in the following ways, among others: (1) alluding to the potential penalties faced by the defendants; (2) challenging the propriety, wisdom or fairness of the government's immunity, non-prosecution or plea agreement decisions as to certain government witnesses and their co-conspirator companies; or (3) alluding to the impact or effect of a conviction upon defendant Bennett T. Martin's family or others.

As fully discussed in our supporting Brief, it is improper for defense counsel to suggest to the jurors that they should acquit the defendants for reasons beyond the facts and the law. The potential penalties the defendants face and the effect of a conviction on the individual defendant's family are irrelevant to the jury's determination of the defendants' guilt or innocence. Further, it is improper for the jury to consider the propriety, wisdom or fairness of prosecutorial decisions.

Accordingly, the United States respectfully requests that this Court grant its Motion and

enter an Order precluding the defendants from arguing or otherwise presenting evidence or pursuing lines of inquiry designed to elicit jury nullification.

Respectfully submitted,

SCOTT M. WATSON  
Chief, Cleveland Field Office

\_\_\_\_\_  
“/s/”  
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### **CERTIFICATE OF CONFERENCE**

This is to certify that the undersigned attorney left a telephone message with Michael P. Gibson, counsel for Bennett T. Martin, and Richard A. Anderson, counsel for Martin News Agency, Inc., on November 5, 2001, advising them of the Motion. Counsel for the government did not receive a response prior to filing this motion and presumes it will be approved. SIGNED this 5<sup>th</sup> day of November, 2001.

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“/s/”

RICHARD T. HAMILTON, JR.

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was sent via Federal Express to the Office of the Clerk of Court on this 5<sup>th</sup> day of November, 2001. In addition, copies of the above-captioned pleading were served upon the defendants via Federal Express on this 5<sup>th</sup> day of November, 2001.

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\_\_\_\_\_  
“/s/”

RICHARD T. HAMILTON, JR.